

REMARKS

Claims 1-6, 8-18, and 20-22 are all the claims presently pending in the application. Claims 1, 8-9, and 18 are amended to more clearly define the invention and claims 7 and 19 are canceled. Claims 1 and 8-9 are independent.

These amendments are made only to more particularly point out the invention for the Examiner and not for narrowing the scope of the claims or for any reason related to a statutory requirement for patentability.

Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1, 4, 6, 8-9, and 13 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Gray (U.S. Patent No. 5,485,517). Claims 2-3, 5, 7, 10-12, 14-16, 18, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Kfoury (U.S. Patent No. 6,549,789). Claim 17 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Kfoury and further in view of Lim (U.S. Patent No. 6,628,974). Claim 19 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Gray in view of Kfoury and further in view of Narayanaswamy, et al. (U.S. Patent No. 6,144,358).

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1, is directed to an opening/closing type portable information terminal equipped with a display portion housing having a display portion and an operating portion

housing having an operating portion. An end portion of the display portion housing is linked to an end portion of the operating portion housing by a rotating mechanism under a state that a face of the display portion of the display portion housing is maintained to orient in a same side as a face of the operating portion of the operating portion housing so that the display portion housing is rotatable relative to the operating portion housing around the rotational axis of the rotating mechanism and so that the display portion housing swings through an arc that is substantially parallel to the face of the operating portion at a closed position. The rotational axis forms an acute angle with at least one of the face of the operating portion and the face of the display portion. Further, the display portion housing includes operating keys which are operable under a state that the display portion housing and the operating portion housing are closed.

Additionally, the operating keys for these conventional devices are not accessible when in a closed configuration, and therefore, these devices are not operable according to user interaction when in the closed configuration.

Conventional portable terminal devices (like the terminal disclosed by the Kfoury reference) include a display portion that is rotatable with respect to the operating portion such that the two portion fold together and/or apart in a clam-shell like motion (col. 4, lines 53-57).

However, when these conventional terminal devices have been folded, the display portion cannot be seen and it is inconvenient for the user to repeatedly open and close the terminal to determine whether messages have been received and to review new messages.

In stark contrast, the present invention provides a very simple structure that allows the display portion to rotate through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion where

the display portion housing includes operating keys which are operable under a state that the display portion housing and the operating portion housing are closed.

In this manner, the present invention maintains the display portion in a visible and useable position regardless of whether the terminal is closed or open and further, enables the device to be used though the use of the operating keys on the display portion even while the terminal is closed.

II. THE PRIOR ART REJECTIONS

A. The Gray reference

Regarding the rejection of claims 1, 4, 6, 8-9, and 13, the Examiner alleges that the Gray reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Gray reference.

None of the applied references teaches or suggests the features of the claimed invention including a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion in combination with the feature of the display portion housing including operating keys which are operable under a state that the display portion housing and the operating portion housing are closed. As explained above, this combination of features is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open and further, enabling the device to be used though the use of the operating keys on the display portion even while the display portion and the housing portion are kept closed.

Rather, and in stark contrast, the Gray reference discloses a portable wireless telephone having a swivel chassis. In particular, the Gray reference is concerned about “protecting the keypad and/or controls from inadvertent contact and impact with objects in its vicinity, and also protecting the controls of the telephone from contamination by dust and other debris that might be present in its immediate environment.” (Col. 2, lines 25 - 30).

In order to protect the keypad and/or controls from inadvertent contact and contamination by dust and other debris, the Gray reference discloses an “assembly that provides suitable protection for the operational components thereof while the telephone is being carried about by the person of the user” (col. 3, lines 6-11) and explains that this object is accomplished by providing a “surface 22 will be the mating surface in closure and act as a perimeter barrier for a telephone keypad 24 or other control panel components which will preferably be sealed with respect to the second chassis section 14 to prevent entry of dust and other debris therein. The first chassis section 12 defines a rear surface 15 which corresponds with the configuration of the chassis surface 22 and, in the closed positions of the chassis sections, is disposed in close fitting, covering relation with the surface of panel 22 of the second chassis section to minimize contamination of the key pad 24 by dust and other debris.” (Col. 6, lines 5-15).

In summary, the Gray reference teaches the exact opposite and, indeed, teaches away from the claimed invention. The Gray reference specifically teaches that it is important to cover the keypad and/or controls when in the closed position in order to protect the keypad and/or controls.

Clearly, the Gray reference does not teach or suggest a display portion housing including operating keys which are operable under a state that the display portion housing and

the operating portion housing are closed.

Indeed, the Examiner admits that the Gray reference does not teach or suggest these features.

Therefore, the Gray reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1, 4, 6, 8-9, and 13.

B. The Gray reference in view of the Kfoury reference

The Examiner alleges that the Kfoury reference would have been combined with the Gray reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion in combination with the feature of the display portion housing including operating keys which are operable under a state that the display portion housing and the operating portion housing are closed. This combination of features is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open and further, enabling the device to be used though the use of the operating keys on the display portion even while the display portion and the housing portion are kept closed.

As explained above, the Gray reference clearly does not teach or suggest these

features.

The Kfoury reference does not remedy the deficiencies of the Gray reference.

Rather, and in stark contrast to the present invention, the Kfoury reference (like the Gray reference) only discloses providing operating keys on the operation portion and does not disclose providing operating keys on a display portion.

The Examiner refers to Figure 12 and column 1, lines 1-44. However, the portion of the Kfoury reference to which the Examiner refers merely discloses operating keys 1202 on the operation portion.

Clearly, the Kfoury reference does not teach or suggest the features of the claimed invention including a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion in combination with the feature of the display portion housing including operating keys which are operable under a state that the display portion housing and the operating portion housing are closed.

Therefore, the Kfoury reference does not remedy the deficiencies of the Gray reference.

Further, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated at the time the invention was made to modify the device that is disclosed by the Gray reference to provide operating keys that are operable when the device is in a closed position as disclosed by the Kfoury reference as alleged by the Examiner because the Gray reference specifically teaches away from such a modification.

**“References Cannot Be Combined Where Reference Teaches
Away from Their Combination”**

“It is improper to combine references where the references teach away from their combination.” (Emphasis original, M.P.E.P. § 2146.X.D.2).

As explained above, the Gray reference is concerned with protecting the operating keys from inadvertent contact and exposure to dust and other contaminants by sealing the operating keys with the mating surface 15 when in a closed position. Therefore, being cognizant of the importance of protecting the keys from inadvertent contact and exposure, one of ordinary skill in the art would not have been motivated to modify the device disclosed by the Gray reference to leave any keys unprotected and exposed.

Further, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, as explained above, the Gray reference is concerned with protecting operating keys from inadvertent contact and exposure to contaminants.

In stark contrast, the Kfoury reference is concerned with the completely different and unrelated problem of improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost. (Col. 2, lines 13 - 17).

One of ordinary skill in the art at the time the invention was made who was concerned with protecting operating keys from inadvertent contact and exposure to contaminants as the Gray reference is concerned would not have referred to the Kfoury reference, and vice-versa, because the Kfoury reference is concerned with the completely different and unrelated problems of improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and

cost. Thus, these references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 2-3, 5, 7, 10-12, 14-16, 18, and 20-22.

C. The Gray reference in view of the Kfoury reference and further in view of the Lim reference

Regarding the rejection of claim 17, the Examiner alleges that the Kfoury reference would have been combined with the Gray reference and further alleges that the Lim reference would have been combined with the Kfoury reference and the Gray reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion in combination with the feature of the display portion housing including operating keys which are operable under a state that the display portion housing and the operating portion housing are closed. This combination of features is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open and further, enabling the device to be used though the use of the operating keys on the display portion even while the display portion and the housing portion are kept closed.

As explained above, the Gray reference and the Kfoury reference clearly do not teach

or suggest these features.

The Lim reference does not remedy the deficiencies of the Gray reference and the Kfoury reference.

The Lim reference clearly does not teach or suggest operating keys on a display portion.

Indeed, the Examiner does not allege that the Lim reference discloses this combination of features.

Further, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, as explained above, the Gray reference is concerned with protecting operating keys from inadvertent contact and exposure to contaminants and the Kfoury reference is concerned with the completely different and unrelated problem of improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost.

In stark contrast to the Kfoury reference and the Gray reference, the Lim reference is concerned with the completely different and unrelated problem of providing a folder operating apparatus for a cellular phone which can achieve a stable opening and closing. (Col. 3, lines 34-41).

Indeed, neither of the devices that are disclosed by the Kfoury reference and the Gray reference suffer from such a problem because neither of the devices include a folder operating apparatus like that which is disclosed by the Lim reference.

Moreover, the folder operating apparatus that is disclosed by the Lim reference

operates based upon a principal of operation which is completely different from the devices that are disclosed by the Kfoury reference and the Gray reference.

Thus, one of ordinary skill in the art would not have been motivated to modify the portable electronic device that is disclosed by the Kfoury reference or the device that is disclosed by the Gray reference with the folding operating apparatus that is disclosed by the Lim reference because such a modification would change the principle of operation of the portable electronic devices that are disclosed by the Kfoury reference and Gray reference.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claim 17.

D. The Gray reference in view of the Kfoury reference and further in view of the Narayanaswamy et al. reference

Regarding the rejection of claim 19, the Examiner alleges that the Kfoury reference would have been combined with the Gray reference and further alleges that the Narayanaswamy et al. reference would have been combined with the Kfoury reference and the Gray reference to form the claimed invention. Applicant submits, however, that these references would not have been combined and even if combined, the combination would not teach or suggest each and every element of the claimed invention.

None of the applied references teaches or suggests the features of the claimed invention including a display portion that rotates through an arc about a rotational axis that maintains an acute angle with at least one of the face of the operating portion and the face of the display portion in combination with the feature of the display portion housing including operating keys which are operable under a state that the display portion housing and the

operating portion housing are closed. This combination of features is important for maintaining the display portion in a visible and useable position regardless of whether the terminal is closed or open and further, enabling the device to be used though the use of the operating keys on the display portion even while the display portion and the housing portion are kept closed.

As explained above, the Gray reference and the Kfoury reference clearly do not teach or suggest these features.

The Narayanaswamy et al. reference does not remedy the deficiencies of the Gray reference and the Kfoury reference.

The Narayanaswamy et al. reference clearly does not teach or suggest operating keys on a display portion.

Rather, and in stark contrast, the Narayanaswamy et al. reference only teaches an operating portion 102 that includes operating keys and does not teach or suggest any display portion at all, let alone a display portion that includes operating keys.

Further, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated at the time the invention was made to modify the device that is disclosed by the Gray reference to provide operating keys that face outwardly when the terminal is in the closed position as alleged by the Examiner because the Gray reference specifically teaches away from such a modification.

**“References Cannot Be Combined Where Reference Teaches
Away from Their Combination”**

“It is improper to combine references where the references teach away from their combination.” (Emphasis original, M.P.E.P. § 2146.X.D.2).

As explained above, the Gray reference is concerned with protecting the operating keys from inadvertent contact and exposure to dust and other contaminants by sealing the operating keys with the mating surface 15 when in a closed position. Therefore, being cognizant of the importance of protecting the keys from inadvertent contact and exposure, one of ordinary skill in the art would not have been motivated to modify the device disclosed by the Gray reference to leave any keys unprotected and exposed.

Further, Applicant submits that these references would not have been combined as alleged by the Examiner. Indeed, the references are directed to completely different matters and problems.

Specifically, as explained above, the Gray reference is concerned with protecting operating keys from inadvertent contact and exposure to contaminants and the Kfoury reference is concerned with the completely different and unrelated problem of improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost.

In stark contrast to the Kfoury reference and the Gray reference, the Narayanaswamy et al. reference is concerned with the completely different and unrelated problem of a limited display size (col. 1, lines 11-22).

One of ordinary skill in the art who was concerned with protecting operating keys from inadvertent contact and exposure to contaminants as the Gray reference is concerned or who was concerned with the problem of improving the adaptability of user interfaces in portable electronic devices allowing multi-mode operation and disability access while reducing manufacturing time and cost as the Kfoury reference is concerned would not have referred to the Narayanaswamy et al. reference, and vice-versa, because the Narayanaswamy

et al. reference is concerned with the completely different and unrelated problem of a limited display size. Thus, these references would not have been combined.

Therefore, the Examiner is respectfully requested to withdraw the rejection of claim 19.

III. FORMAL MATTERS AND CONCLUSION


In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-6, 8-18, and 20-22, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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